



ORIGINAL

SITE ADDRESS: 258 E. Market Street

Office Use Only:

DATE SUBMITTED: 08 06 2021HEARING DATE: 09.22.2021PLACARD: 09.09.2021FEE: \$ 500⁰⁰ZONING CLASSIFICATION: RTLOT SIZE: 50' x 180' OR 9,000 SF

APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,
10 E. CHURCH STREET, BETHLEHEM, PA 18018

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. The application is due by 4PM the 4th Wednesday of the month. The hearing will be held the 4th Wednesday of the next month.
3. If you are submitting MORE THAN 10 exhibits at the hearing, you MUST place them in an indexed binder and submit at one time.

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

- ☐ Appeal of the determination of the Zoning Officer
- ☒ Appeal from an Enforcement Notice dated July 15, 2021
- ☐ Variance from the City of Bethlehem Zoning Ordinance
- ☐ Special Exception permitted under the City Zoning Ordinance
- ☐ Other: _____

SECTION 1

APPLICANT:	
Name	Doctor & Sir, LLC
Address	817 W. Broad Street
	Bethlehem, PA 18018
Phone:	[REDACTED] Mary Ellen Williams, President
Email:	[REDACTED]
OWNER (if different from Applicant): Note. If Applicant is NOT the owner, attach written	

authorization from the owner of the property when this application is filed.	
Name	258 E. Market St., LLC
Address	817 W. Broad Street
	Bethlehem, PA 18018
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	James F. Preston, Esquire
Address	38 West Market Street
	Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]

SECTION 2. INFORMATION REGARDING THE REAL ESTATE

1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
2. Attach photographs.
3. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
4. If the real estate is presently leased, attached a copy of the present lease.
5. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision.

SECTION 3.

THE RELIEF SOUGHT:

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
N/A			

If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought.

N/A

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable:

N/A

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b):

N/A

NARRATIVE

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

CERTIFICATION

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.

Applicant's Signature

August 6, 2021

Date

Property owner's Signature

Date

Received by

Date

NOTICE: If the Decision of the Zoning Hearing Board is appealed, the appellant is responsible for the cost of the transcript.



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF ZONING

Phone: 610-865-7094

Fax: 610-865-7330

TDD: 610-865-7086

www.bethlehem-pa.gov

July 15, 2021

Doctor & Sir LLC
817 W. Broad Street
Bethlehem, PA 18018

Re: Illegal Use

NAME OF OWNER: Doctor & Sir LLC

PROPERTY LOCATION: 258 E. Market Street

APPLICABLE ZONING DISTRICT: RT - High Density Residential District

ENFORCEMENT NOTICE UNDER 53 PS §10616.1 CEASE AND DESIST ORDER

Dear Sir/Madame:

Pursuant to 53 PS § 10616.1 of the Pennsylvania Municipalities Planning Code, you are hereby notified that you are violating the City of Bethlehem Zoning Ordinance.

SPECIFIC VIOLATION: You are using the above referenced property, all or in part, to provide housing for transient occupants contrary to the provisions of Section 1304.01(b) of the Zoning Ordinance. To be more precise, within the above-named Zoning District your use is not authorized generally and/or fails to qualify as any number of specific uses allowed by right or special exception in this District. For example, aside from not being named generally in the list of authorized uses, your use does not qualify under the recognized use classifications which are variously permitted by right or special exception, or not at all, such as a bed and breakfast home or inn, boarding house or rooming house, hotel, or any kind of single family detached dwelling, single-family semi-detached dwelling (side-by-side twin), two-family detached dwelling (typically one unit above another unit), two-family semi-detached dwelling (two units attached to another building), townhouses (single-family attached dwellings or rowhouses), or multi-family dwelling.¹

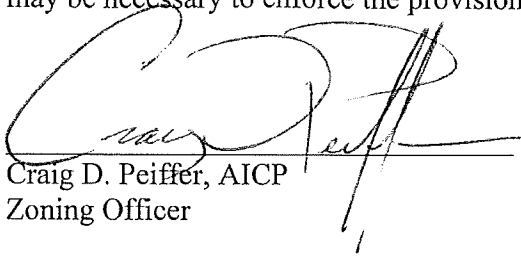
While your use is not allowed in any residential zoning district of the City, your use could be potentially allowed in any *non-residential* zoning district pursuant to Section 1305.04 of the Zoning Ordinance. However, this option is not available to properties located in your zoning district.

¹ Each of the dwelling-type uses in the Zoning Ordinance requires occupancy by a "family. Under the Zoning Ordinance and the Pennsylvania Supreme Court decision in *Slice of Life, LLC v. Hamilton Twp. Zoning Hearing Bd.*, 652 Pa. 224, 251, 207 A.3d 886, 903 (2019), the purely transient use of a property under some kind of rental agreement or arrangement for a few days at a time is considered incompatible by law with the definition of a "family" when the latter is defined as "a single housekeeping unit" or unrelated persons who maintain a common household.

COMPLIANCE TIMETABLE: You must commence correction of this violation within five days of this notice and correct all violations within 30 days, i.e. on or before August 16, 2021. Permanent cessation is required.

RIGHT OF APPEAL: You have the right to appeal this Notice of Violation and Cease and Desist Order in writing to the City of Bethlehem Zoning Hearing Board within thirty (30) days from the date of this Notice in accordance with procedures set forth in the Zoning Ordinance. Grounds for appeal include, but are not limited to, whether you believe that I have misinterpreted or misapplied the Ordinance.

WARNING: Failure to comply with the notice within the time specified constitutes a violation, unless extended by appeal to the Zoning Hearing Board or if the Zoning Hearing Board sustains your appeal. Violations may result in the institution of proceedings before a District Justice where the District Justice may impose a daily fine of not more than Five Hundred (\$500.00) Dollars plus all court costs, including the attorneys' fees incurred as a result of such action. Each day that the violation continues shall constitute a separate violation and may subject you to a daily fine. The City may also institute other appropriate actions against you at law or in equity which may be necessary to enforce the provisions of the City of Bethlehem Zoning Ordinance.



Craig D. Peiffer, AICP
Zoning Officer

C. Hon. Robert Donchez, Mayor
Edmund J. Healy, Esq., First Assistant City Solicitor
Alicia Karner, Dir., Community & Economic Development
Darlene Heller, AICP, Dir. Planning & Zoning